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09/718,322	11/22/2000	Mark W. Minne	10007268-1	3126

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EXAMINER

MOE, AUNG SOE

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

104

Office Action Summary	Application No. 09/718,322	Applicant(s) MINNE ET AL.	
	Examiner Aung S. Moe	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 17 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 23-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-21, 23-35 and 46-57 is/are allowed.
- 6) ☒ Claim(s) 36-45 and 58-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see the remarks, filed on 09/17/04, with respect to 35 U.S.C. 102/103 have been fully considered and are persuasive. The rejections of claims 1-21 and 23-32 have been withdrawn.

Drawings

2. Applicant's remarks, filed on 9/17/04, stated that correction of Fig. 3 is included with this response, however, such an amended replacement drawing sheet is not found in the instant application. In view of this, the Applicant is hereby requested to re-submit "an amended replacement drawing of Fig. 3" in response to this Office Action. In the meantime, the Examiner will maintain the objection to the drawings until receiving of an amended replacement drawing sheet.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. In this case, claim 9 recites the limitations "the camera back memory assembly is removable from the front portion", and page 7, lines 5+ of the disclosure stated that "Figure 3 illustrates removable portion 50 being removed from a front portion 52 to access a non-volatile memory 54 of the digital camera 20". However, Figure 3 does not show "a front portion 52" as recited in the specification and as required by the claim 9.

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Therefore, the limitations recited in claim 9, such as “the camera back memory assembly is removable from the front portion” must be shown or the feature(s) canceled from the claim(s).

No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 42 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear how “a front portion” recited in line 1 of claim 42 is related to “a front portion” recited in line 1 of claim 38? If there are the same “front portion”, the examiner suggests changing “a front portion” in line 1 of claim 42 to - - said front portion - -.

Claim Objections

6. Claims 58-67 objected to because of the following informalities: In claims 58, 59, and 67, the limitations “providing the one-time-use ~~use~~ digital camera to a third party”, should be corrected to “providing the one-time-use digital camera to a third party”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 58, 59-70, and 71-83 rejected under 35 U.S.C. 102(a) as being anticipated by Tamaru Masaya (Translation of JP 2000-228740).

Regarding claim 58, Masaya ‘740 discloses a method comprising: providing a one-time-use digital camera (Fig. 1, the camera 100) to a user (108); capturing digital images with the one-time-use digital camera (i.e., see noted the digital camera as shown in Fig. 2; see paragraphs 0027+); storing the digital image in the one-time-use digital camera (i.e., see paragraphs 0025+); providing the one-time-use digital camera to a third party (i.e., noted form Fig. 1, the one-time-

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use digital camera 100 can be provided to the third party 110/102; see paragraphs 0017+); retrieving the digital images form the one-time-use digital camera, by the third party (i.e., see paragraphs 0028-0029); restoring the one-time-use digital camera for reuse (i.e., see Figs. 7/8; paragraphs 0033+, 0038+, 0053-0055); and returning the one-time-use camera back to the user for reuse by the user (i.e., noted from Fig. 1 that the reconfigured camera 100 can be returned to the user via the element 106 for reusing).

Regarding claim 59, Masaya '740 discloses a method comprising: capturing digital images with the one-time-use digital camera (i.e., see noted the digital camera as shown in Fig. 2; see paragraphs 0027+); storing the digital image in the one-time-use digital camera (i.e., see paragraphs 0025+); providing the one-time-use digital camera to a third party (i.e., noted from Fig. 1, the one-time-use digital camera 100 can be provided to the third party 110/102; see paragraphs 0017+); retrieving the digital images form the one-time-use digital camera, by the third party (i.e., see paragraphs 0028-0029); restoring the one-time-use digital camera for reuse (i.e., see Figs. 7/8; paragraphs 0033+, 0038+, 0053-0055); and making the one-time-use digital camera available for reuse (i.e., as shown in Fig. 1, the reconfigured camera 100 is made available for reuse).

Regarding claim 60, Masaya '740 discloses wherein restoring the one-time-use digital camera (100) for reuse includes restoring the memory such that the memory is suitable for storing captured digital images (i.e., Fig. 1 and see paragraph 0052+).

Regarding claim 61, Masaya '740 discloses wherein restoring the one-time-use camera (100) for reuse includes providing a restoring the memory such that the memory is suitable for storing captured digital images (i.e., Fig. 1 and see paragraph 0052+).

Regarding claim 62, Masaya '740 discloses wherein making the on-time-use digital camera available for reuse including reselling the one-time-use digital camera (i.e., see Fig. 1, the elements 106; see paragraphs 0042+).

Regarding claim 63, Masaya '740 discloses wherein retrieving the digital images from the memory includes transferring the digital images from the memory via an external interface (i.e., see Figs. 4 and 9; see paragraphs 0029+).

Regarding claim 64, Masaya '740 discloses wherein retrieving the digital images from the memory (22) includes transferring the digital images to a media (i.e., see paragraphs 0029+).

Regarding claim 65, Masaya '740 discloses wherein transferring the digital images to a media includes transferring the digital images to a compact disk (i.e., see paragraphs 0029+).

Regarding claim 66, Masaya '740 discloses wherein transferring the digital images to a media includes transferring the digital images to photographic paper (i.e., see paragraphs 0029; the Fig. 4, the element 408).

Regarding claims 67-70, it is noted that claims 67-70 are corresponding to claims 58-66; thus, claims 67-70 are rejected for the same reasons as set for claims 58-66 as discussed above.

Regarding claim 71, Masaya '740 discloses an apparatus comprising: a digital camera (100; Fig. 2) having a limiting-use component to limit use of the digital camera to a single-use-cycle (i.e., see 0033+).

Regarding claim 72, Masaya '740 discloses a reset mechanism (i.e., see Fig. 1, the elements 110 and 102) to refurbish the use of the digital camera for another use-cycle (i.e., see paragraphs 0049-0055).

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Regarding claim 73, Masaya '740 discloses a communication port on the digital camera for retrieving digital images from the limiting-use component (i.e., noted the elements 26 and 400 as shown in Fig. 2 and 4).

Regarding claim 74, Masaya '740 discloses wherein the limiting-use component comprises a memory having a preset capacity to store data corresponding to a preset amount of pictures (i.e., noted that the memory 22 inherently contains a specific preset amount to store therein).

Regarding claim 75, Masaya '740 discloses wherein refurbishing comprises resetting a component contained in the digital camera to facilitate another use-cycle of the digital camera (i.e., see paragraphs 0052+).

Regarding claim 76, Masaya '740 discloses wherein refurbishing comprises replacing a component contained in the digital camera to facilitate another use-cycle of the digital camera (i.e., see paragraphs 0033-0055).

Regarding claim 77, Masaya '740 discloses a memory (22) within the digital camera to store image data; and communication port (Fig. 2, the element 26) to transfer the image data to an external processing unit (Fig. 4) that performs image-processing operation on the image data (i.e., see paragraphs 0019+ and 0029+).

Regarding claims 78-83, it is noted that claims 78-83 are corresponding to claims 71-77; thus, claims 78-83 are rejected for the same reasons as set for claims 71-77 as discussed above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 36, 37, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong '355(U.S. 2003/0058355 A1) in view of Ohmori (U.S. 5,790,193).

Regarding claim 36, Wong '355 discloses a digital camera (i.e., as shown in Figs. 2-10, the camera 201 is a digital camera; see paragraph 0067+) comprising:

an electronic digital camera system for generating image data representative of a captured image (i.e., noted the digital camera 201 as shown in Figs. 2-10 is capable of generating image data representative of a captured image as claimed; see paragraph 0004+ and 0069+); and

a camera back memory assembly removable from the camera to provide a on-time-use digital camera (i.e., as shown in Figs. 8-10, the memory assembly is mounted on the back of the camera and the memory assembly is removable; see paragraph 0069).

Furthermore, it is noted that although Wong '355 shown the outline of the camera features 201 and a camera back removable memory assembly (i.e., noted the removable memory elements 810/902 as shown in Figs. 2-10), Wong '355 does not explicitly show "**a housing**" of a camera back memory assembly (i.e., the elements 810/902 of Wong '355).

However, using a housing having a camera back memory assembly so that the housing of a camera back memory is removable from the housing of the camera is well known in the art as evidenced by Ohmori '193 (i.e., see Fig. 1, noted the housing 18 of a camera back memory is removable from the housing of the camera 12).

In view of this, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Wong '355 as taught by Ohmori '193, since Ohmori '193 stated in col. 2, lines 20+ such a modification would enhance the flexibility of the interconnection of the camera back memory assembly to the housing of many digital cameras.

Regarding claim 37, the combination of Wong '355 and Ohmori '193 show wherein the camera back memory assembly includes a removable portion and a memory component secured to the removable portion (i.e., Fig. 1, the elements 18, 20 and 38 of Ohmori '193).

Regarding claim 39, the combination of Wong '355 and Ohmori '193 show a mechanism (i.e., noted the elements 22, 20 and 26 of Ohmori '193) configured to secure the camera back memory assembly (i.e., the assembly 18 of Ohmori '193) to the digital camera (12/14), while

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allowing removal (i.e., see col. 3, lines 10+ of Ohmori '193) of the camera back memory assembly (18) from the digital camera (14/12).

Regarding claim 40, the combination of Wong '355 and Ohmori '193 show the mechanism includes one or more tab mechanism extending (i.e., noted from Fig. 1 of Ohmori '193 that the element 20 is extended from the housing 18) from the removable housing to aid in securing a camera back memory assembly (18) to the digital camera (14).

6. Claims 38, 41 and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong '355 in view of Ohmori '193 as applied to claims discussed above, and further in view of Gudesen et al. (U.S. 6,055,180).

Regarding claim 38, although the combination of Wong '355 and Ohmori '193 shown the housing comprising a front portion and the removable portion (i.e., Figs. 8-10 of Wong '355 and Fig. 1 of Ohmori '193 show the removable memory unit has a front portion and the removable portion), the combination of Wong '355 and Ohmori '193 does not explicitly state the use of a polymeric material.

However, using a polymeric material in a storage device is well known in the art as evidenced by Gudesen '180 (i.e., see col. 5, lines 19+ of Gudesen '180).

In view of the above, having the system of Wong '355 and then given the well-established teaching of Gudesen '180, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Wong '355 as taught by Gudesen '180, since Gudesen '180 states at col. 4, lines 5+ that such a modification would reduce complexity, cost and power consumption thereof.

Regarding claim 41, the combination of Wong '355, Ohmori '193 and Gudesen '180 discloses a lens system (i.e., see col. 3, paragraph 0033 of Wong '355; Fig. 6, the element 16 of Ohmori '193); and a processor (i.e., the element 115 of Wong '355; the element 52 of Ohmori '193) in communication with the camera back memory assembly (i.e., see Figs. 8-10 of Wong '355; and Figs. 6 and 7 of Ohmori '193).

Regarding claim 42, the combination of Wong '355, Ohmori '193 and Gudesen '180 discloses wherein the processor (i.e., the element 115 of Wong '355 and the element 52 of Ohmori '193) is housed in the front portion of the housing (i.e., see Figs. 8-10 of Wong '355; and Fig. 6-7 of Ohmori '193).

Regarding claim 43, Gudesen '180 further teaches the use of a write-once memory (i.e., see col. 1, lines 40+), thus, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to use a well known write-once memory in the system of Wong '355 for saving cost thereof.

7. Claims 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitajima Toshiro (Translation of JP 2000-196995) in view of Tringali et al. (U.S. 6,545,891 B1).

Regarding claim 44, Toshiro '995 discloses a method of using a one-time-use camera (i.e., see paragraph 0049+. Further, it is noted that the preamble of the claim does not limit the claim because the limitations such as "one-time-use" is not recited in the body of the claim. In view of this, the method of claim 44 can also be read on the digital camera functions of Fig. 9 as disclosed by Toshiro '995) comprising:

an electronic digital camera system for generating image data representative of a captured image (i.e., noted that as shown in Figs. 2, 4 and 9, the digital camera is capable of generating image data representative of a captured image as claimed; see paragraph 0052+); and

a non-volatile memory (the memory 4 of Figs. 2 and 4; and the flash memory of Fig. 9) component for storing the image data (i.e., as discussed in paragraphs 0039+ and 0048, the non-volatile memory 4 is capable of storing an image data).

Furthermore, although Toshiro '995 shows the use of the non-volatile memory (4), Toshiro '995 does not explicitly stated that the non-volatile memory (4) is a write-once memory as claimed.

However, using a write-once memory of a non-volatile memory in the digital camera for the purpose of reducing cost is well known in the art as evidenced by Tringali '891 (i.e., see col. 1, lines 40+ and col. 4, lines 10+).

In view of the above, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to provide a write-once type of non-volatile memory as taught by Tringali '891 to the system of Toshiro '995 for the purpose of minimizing cost as suggested by Tringali '891.

Regarding claim 45, the combination of Toshiro '995 and Tringali '891 discloses a RAM for temporary storage of image data prior to selectively storing the image in the memory component (i.e., as shown in Fig. 9 of Toshiro '995, the DRAM 17 is used for temporary storage of image data prior to selectively storing the image in the memory component 18).

Allowable Subject Matter

8. Claims 1-21, 23-35 and 46-57 are allowed.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Hirai Jun (JP 09-154052), Yoshida Yoichi (JP 11-234542) and Yamazaki Takeshi (JP 2000-196931) show an apparatus comprising: a digital camera having a limiting-use component to limit use of the digital camera to a single-use-cycle.
- b. No et al show a digital camera housing and a camera back memory assembly housing thereof.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

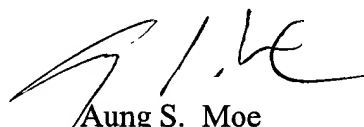
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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aung S. Moe whose telephone number is 703-306-3021 (or 571-272-7314). The examiner can normally be reached on Mon-Fri (9-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929 (or 571-272-7308). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Aung S. Moe
Primary Examiner
Art Unit 2612

A. Moe
January 24, 2005